This DRAFT Docket has been prepared for the purposes of the scheduled public hearing and may be substantially modified as a result of the public hearing process prior to Commission action.

2/19/2013 3:59 PM

DOCKET NO. D-2012-019 CP-1

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

RALHAL Corporation & Concord Estates Condominiums LLC
Wastewater Treatment Plant
Town of Fallsburg, Sullivan County, New York

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Glenn L. Smith, P.E. Consulting Engineer, P.C. (GSC or Engineer) on behalf of RALHAL Corporation & Concord Estates Condominiums LLC (RALHAL or docket holder) on May 16, 2012 (Application), for review of the construction and operation of a new wastewater treatment plant (WWTP). The docket holder submitted an application to the New York State Department of Environmental Conservation (NYSDEC) for a State Pollutant Discharge Elimination System (SPDES) Permit on November 14, 2011. The NYSDEC is awaiting approval of this docket before issuing the SPDES Permit. Following SPDES approval the docket holder will be required to submit an application for Plan Approval to the NYSDEC. This docket requires Plan Approval to be issued by the NYSDEC prior to the start of construction at the site (See DECISION Condition II.a.).

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Sullivan County Planning Department has been notified of pending action. A public hearing on this project was held by the DRBC on March 5, 2013.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve the construction and operation of the new 0.131 million gallons per day (mgd) RALHAL WWTP.

2. Location. The WWTP will discharge treated effluent to Sheldrake Stream at River Mile 253.61 – 27.3 – 2.66 (Delaware River – Neversink River – Sheldrake Stream) via proposed

Outfall No. 001, in the drainage area to the Middle Delaware Special Protection Waters (SPW) area. The WWTP and proposed discharge will be located in the Town of Fallsburg, Sullivan County, New York as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 40' 45"	74° 37' 30"

3. **Area Served**. The docket holder's proposed WWTP will service the existing Raleigh Hotel and proposed Concord Estates Condominium development. The majority of these proposed properties as well as the whole WWTP are located on 226.33 acres in the Town of Fallsburg, Sullivan County, New York. A small portion of the property (11.22 acres) however is also located in the Town of Thompson, Sullivan County, New York. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features**.

a. **Design Criteria**. The docket holder proposes to construct and operate the proposed 0.131 mgd RALHAL WWTP. The docket holder is also proposing to construct the new Concord Estates Condominium development.

b. **Facilities**. The docket holder has reviewed prior docket approvals by the Commission and has estimated that a sequencing batch reactor (SBR) type WWTP with tertiary treatment will meet the effluent limitations expected by the Commission's Neversink River Water Quality Model (NR-WQM). DECISION Condition II.aa. of this docket requires Final Plans and Specs of the 0.131 mgd WWTP be submitted to the Executive Director for review and approval prior to the start of any on-site construction.

The docket holder's wastewater treatment facility will discharge to waters classified as SPW and is required to have available emergency power. The docket holder is required as part of the construction of the WWTP that they install a generator capable of providing emergency power (See DECISION Condition II.t.). (SPW)

The docket holder's wastewater treatment facility will not be staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations. The docket holder is required as part of the construction of the WWTP that they install remote alarm systems (See DECISION Condition II.t.). (SPW)

The docket holder's new wastewater treatment facility has not prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP at least 6 months prior to operation of the proposed WWTP (See DECISION Condition II.u.). (SPW)

The docket holder has satisfactorily proved the technical infeasibility of using natural wastewater treatment technologies. A report was received by the Commission on November 11, 2012 that included the review of natural treatment options. The report concluded that soil conditions such as severe slopes and soil types both on-site and in the surrounding area were not favorable for natural treatment. Commission staff agree with this conclusion. (SPW)

The project facilities aren't designed to be located in the 100-year floodplain.

Wasted sludge will be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. <u>Water withdrawals</u>. The potable water supply in the project service area is to be supplied by the docket holder. The Commission requires that all water distribution systems that withdrawal at least 100,000 gallons per day of ground and/or surface water as a 30-day average have a docket with the Commission. As such, DECISION Condition II.bb. has been included in this docket and requires the docket holder submit an application for the withdrawal of water within 60 days (by May 6, 2013) of approval of this docket.

d. <u>SPDES Permit / DRBC Docket</u>. The docket holder submitted a SPDES Permit Application to the NYSDEC on November 14, 2011. Due to the Commission's NR-WQM, the NYSDEC has awaited issuance of the SPDES Permit pending Commission approval since several parameters within the Commission's docket are expected to be more stringent than the NYSDEC's. The SPDES Permit is expected to include final effluent limitations for the project discharge of 0.131 mgd to surface waters classified by the NYSDEC as a Class B stream. The following average monthly effluent limits are among those anticipated in the SPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in SPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)*	6 to 9 at all times *	Twice per Month*
Total Suspended Solids*	30 mg/l *	Twice per Month*
CBOD5* (1-1 to 12-31) (1-1 to 12-31) (5-1 to 9-30)	30 mg/l * 85% minimum removal * 14.8 lbs/day *,***	Twice per Month*
Dissolved Oxygen*	6.0 mg/l *(minimum at all times)	Twice per Month*
Fecal Coliform* (5-1 to 9-30)	200 colonies per 100 ml as a geo. avg. *	Twice per Month*
Ammonia Nitrogen* (5-1 to 9-30) (10-1 to 4-30)	1.64 lbs/day *,*** 4.9 lbs/day *	Monthly*
TKN* (5-1 to 9-30) (10-1 to 4-30)	4.0 lbs/day *,*** 12.0 lbs/day *	Monthly*
$NO_2 + NO_3$ as N* (5-1 to 9-30) (10-1 to 4-30)	1.64 lbs/day *,*** 4.9 lbs/day *	Monthly*
Phosphorus* (5-1 to 9-30) (10-1 to 4-30)	1.91 lbs/day *,*** 5.73 lbs/day *	Monthly*
Total Dissolved Solids*	1,000 mg/l *	Quarterly**

* DRBC Requirement

** See DECISION Condition II.y.

*** The DRBC will restrict loadings to the receiving stream to protect water quality and not concentrations for these parameters. For your information, the corresponding concentrations associated with the loadings at the future discharge flow of 0.131 mgd are as follows:

PARAMETER	CONCENTRATION
CBOD (5-Day at 20^{o} C)	13.51 mg/l
Ammonia Nitrogen	1.5 mg/l
Nitrate & Nitrite as N*	1.5 mg/l
Total Kjedhal Nitrogen*	3.7 mg/l
Phosphorus	1.75 mg/l

e. **Cost**. The overall cost of this project is estimated to be $9,906,000 (See DECISION Condition II.k.).

f. **Relationship to the Comprehensive Plan**. Approval of this docket will include the 0.131 mgd RALHAL WWTP into the Comprehensive Plan (See DECISION Condition I.).

B. BACKGROUND

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations* (*WQR*), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Upper/Middle SPW)

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program.

The project WWTP will discharge to Sheldrake Steam, a tributary of the Neversink River, which is located in the tributary area of the DRBC SPW. The Neversink River joins the Delaware River at River Mile 253.64, which is designated as Significant Resource Waters (SRW).

Section 3.10.3.A.2.c.2) of the Commission's *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities that are proposing substantial alterations and additions "may be approved only after the applicant demonstrates that it has fully

evaluated all natural wastewater treatment system alternatives and is unable to implement these alternatives because of technical and/or financial infeasibility." The docket holder has satisfactorily proved the technical infeasibility of using natural wastewater treatment technologies. A report was received by the Commission on November 11, 2012 that included the review of natural treatment options. The report concluded that soil conditions such as severe slopes and soil types both on-site and in the surrounding area were not favorable for natural treatment. Commission staff agree with this conclusion.

Section 3.10.3.A.2.d.8) of the Commission's *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities that are proposing substantial alterations and additions demonstrate "….that the project will cause no measurable change to Existing Water Quality…" Section 3.10.3.A.2.d.9) of the Commission's *WQR* states that "For wastewater treatment facility projects subject to the no measurable change requirement, the demonstration of no measurable change to existing water quality shall be satisfied if the applicant demonstrates that the new or incremental increase in the facility's flow or load will cause no measurable change at the relevant water quality control point for the parameters denoted by asterisks in Tables 1 and 2 of this section: ammonia (NH_3 N); dissolved oxygen (DO); fecal Coliform (FC); nitrate (NO_3 N) or nitrite + nitrate (NO_2 N+ NO_3 N); total nitrogen (TN) or Kjeldahl nitrogen (TKN); total phosphorous (TP); total suspended solids (TSS); and biological oxygen demand (BOD) (Table 1 only)."

The project WWTP is a new wastewater treatment facility and is subject to the no measurable change (NMC) to existing water quality (EWQ) requirement. NMC to EWQ is to be demonstrated at the Neversink River Boundary Control Point (BCP). The Neversink BCP is located near the confluence of the Neversink and Delaware Rivers (Table 1 - Part C of Section 3.10.3.A.2.g. of the Commission's *WQR*).

Section 3.10.3A.2.a.4) of the Commission's *WQR* defines "Measurable Change" as "an actual or estimated change in a seasonal or non-seasonal mean (for SPW waters upstream of and including River Mile 209.5) or median (for SPW waters downstream of River Mile 209.5) in-stream pollutant concentration that is outside the range of the two-tailed upper and lower 95 percent confidence intervals that define existing water quality."

EWQ is defined as the actual concentration of a water constituent at an in-stream site or sites, as determined through field measurements and laboratory analysis of data collected over a time period determined by the Commission to adequately reflect the natural range of the hydraulic and climatologic factors which affect water quality. EWQ is described in terms of:

(a) an annual or seasonal mean of the available water quality data,
(b) two-tailed upper and lower 95 percent confidence limits around the mean, and
(c) the 10^{th} and 90^{th} percentiles of the data set from which the mean was calculated.

The determination of NMC is based on a comparison of historical water quality observations at the Neversink BCP with the modeled (predicted) EWQ at the Neversink BCP. Historical water quality observations were used by Commission staff to define EWQ for the BCP, and were derived from EPA Storet (NYSDEC, USGS, etc.) data prior to 1993. The EWQ

that is protected at the BCP is that which existed at the time of SPW classification in 1992 (1992-EWQ).

Commission staff compiled data for the eight parameters (NH_3 N, DO, FC, NO_2 N + NO_3 N, TKN, TP, TSS, and BOD) necessary to define 1992-EWQ as part of the docket approval for Gemstar Development Corporation's Heiden Road WWTP approved by the Commission in Docket No. D-2008-018 CP-1 on October 22, 2009. The mean and upper 95th percentile data was compiled and EWQ at the Neversink BCP was determined to have the following characteristics:

Table B-1: EWQ for the Neversink River BCP

PARAMETER	MEAN	UPPER 95TH%
NH_3 N (ug/l)	71	91
DO (mg/l)	9.18	8.91
FC (#/100ml)	92.90	116.95
NO_2 N+ NO_3 N (ug/l)	384	433
TKN (ug/l)	378	451
TP (ug/l)	99	138
TSS (mg/l)	5.5	6.3
CBOD (mg/l)	1.27	1.5

In 2009, Commission staff completed a water quality model, using the USEPA's QUAL2K platform, for the Neversink River Watershed. The 2009 Neversink River Water Quality Model (NR-WQM) was used to analyze the impact to 1992-EWQ at the BCP from the proposed 0.024 mgd Heiden Road WWTP. Section 3.10.3.A.2.d.9) of the *WQR* further states "In making the demonstration required in the preceding sentence the applicant shall use a DRBC-approved model of the tributary or main stem watershed if available." Commission staff developed the 2009 NR-WQM in order to evaluate new and expanding wastewater treatment facilities that were located in the Neversink River watershed. The 2009 NR-WQM was used to develop effluent limitations protective of the EWQ described in Table B-1.

The 2009 NR-WQM's domain included the watershed downstream of the Neversink Reservoir. The 2009 NR-WQM was calibrated using in-stream water quality data sets from pre-1993 and current watershed-wide WWTP discharge information available from the discharge monitoring reports (DMRs). The model assumed that all existing WWTPs will eventually discharge at their full permitted (or docketed) design flows and loads. In addition it also assumed that all new or expanding WWTPs will discharge at their proposed design flow and loads. For those contaminants for which there was no discharge information, typical effluent data was used from facilities in similar watersheds. The 2009 NR-WQM included data from fourteen (14) existing WWTPs whose facility name and size are listed below in Table B-2. Where DMR values did not exist for certain parameters, Best Professional Judgment (BPJ) was used for data from similar facilities to derive typical effluent concentrations. Rate constants for nitrification, oxidation, hydrolysis, and denitrification were selected from the QUAL2K user manual recommendations and the EPA Technical Guidance for Developing TMDLs.

Table B-2

FACILITY	NYSDEC PERMITTED DISCHARGE (MGD)	SPDES Permit No.	DRBC Docket No.
Kiamesha Lake	2.0	NY0030724	D-1989-011 CP-1
Camp Ohr Shalom *	0.07	NY0271179	---
Davos in the Woods *	0.25	NY0218987	---
Mountain Hill Cottages	0.014	NY0096067	D-2005-002-1
Emerald Green	0.41	NY0035645	D-1995-016 CP-1
Dragon Spring Budhist Inc.***	0.0184	NY0274089	D-2007-021 CP-2
Otisville Federal Correction Institute	0.5	NY0037397	D-1994-011 CP-1
Monticello	3.1	NY0022454	D-1981-038 CP-2
Woodridge *	0.79	NY0023493	---
Melody Lake	0.038	NY0030708	D-2011-025 CP-1
Port Jervis	2.5	NY0026522	D-2004-028 CP-2
Loch Sheldrake	0.7	NY0145696	D-1985-074 CP-2
WHO	3.26	NY0024520	D-1967-069 CP-2
Beaver Lake Estates	0.14	NY0145734	D-2009-038 CP-1
Gemstar	0.024	NY0272892	D-2009-018 CP-1

* Application Request Letter Sent
** Indicates Active Project Applications with the Commission
*** Removed from February 2013 Model due to stream discharge elimination

In addition to the 14 facilities listed above with active SPDES permits/DRBC dockets, Commission staff also received **notice or applications** (either from the NYSDEC, the project sponsor and/or from Town Planning boards) for 7 new wastewater treatment projects and 3 expansions of existing wastewater treatment projects planned for the Neversink watershed. One of the ten wastewater treatment facilities has yet to apply to the Commission for formal review/approval in accordance with Section 3.8 of the Compact. Since it has been three years and the Commission has not received application materials the last facility has been removed from the model for purposes of reserving capacity.

In order to determine compliance with the NMC requirement, Commission staff used the 2009 NR-WQM to evaluate several discharge scenarios. These scenarios included all 14 SPDES permitted dischargers with permitted flows equal to or greater than (≥) 10,000 gpd within the NR-WQM domain, the Heiden Road WWTP, and the discharge of the 10 proposed new or expanding WWTPs.

The model was used to predict in-stream concentrations of BOD_5, TSS, Total Phosphorous (TP), Nitrite-Nitrate Nitrogen (NO_2 N + NO_3 N), Ammonia Nitrogen (NH_3 N), Total Kjedhal Nitrogen (TKN) and Dissolved Oxygen (DO) under different discharge scenarios for the Heiden Road WWTP.

Commission staff updated the 2009 NR-WQM to reflect data collected since the Heiden Road WWTP approval on October 22, 2009 including data on twelve WWTPs not previously included in the model domain (See Table B-3), but have existing SPDES Permits and discharge to the Neversink watershed. Commission staff also established the grandfathered load for each existing facility (based on 1992 discharges). As such, the 2009 NR-WQM was recalibrated with said data. The Heiden Road WWTP and Beaver Lake Estates WWTP (approved March 3, 2010) were incorporated as existing facilities for the purpose of establishing effluent limits for other then in-house facilities (the Deb-El IWTP and WHO & Loch Sheldrake WWTPs). The updated model version used to analyze projects after the Beaver Lake Estates WWTP was referenced as the August 2010 NR-WQM.

Table B-3

FACILITY	NYSDEC PERMITTED DISCHARGE (MGD)	SPDES Permit No.
Jened Recreation	0.036	NY0030562
Kutcher's Country	0.2	NY0033600
Glen Wild Hotel	0.013	NY0095877
Nachlas Enunah Bu	0.0513	NY0148164
Yellow Park Apartments	0.0062	NY0148211
Kiamesha Artesian	0.0012	NY0166090
Dillon Farms	0.002	NY0214507
Old Homestead	0.0045	NY0219576
Kutcher's Sports	0.0325	NY0249939
Huguenot Camp	0.0202	NY0250058
Victoria Colony	0.0056	NY0250813
Kyprianou	0.0008	NY0259250

In order to determine the net potential impacts to the 1992-EWQ at the BCP as a result of the in-house facility discharges, the Commission staff first used the August 2010 NR-WQM to establish grandfathered loadings for all facilities in Tables B-2 and B-3 that were in existence in 1992 (See Table B-4). Commission staff then analyzed each facility as it was permitted to discharge in 2010 and calculated the equal effluent concentrations (EEC) required for the non-grandfathered load of each facility to establish effluent limits for each parameter (see Table B-5).

Table B-4: August 2010 NR-WQM Existing/Grandfathered Results

Model Run	**BOD5 (mg/l)**	**TSS (mg/l)**	**Total P (ug/l)**	**Nitrate – Nitrite N (ug/l)**	**TKN (ug/l)**	**Ammonia – N (ug/l)**	**D.O. (mg/l)**
Mean	1.27	5.5	99	385	378	71	9.18
95% C.L. (EWQ Target)	1.5	6.3	138	433	451	91	8.91
1992 Grandfathered Condition for facilities in Tables B-2 and C-1	1.09	1.27	87	381	378	71	9.17

Table B-5: August 2010 NR-WQM EEC

	BOD5 (mg/l)	TSS (mg/l)	Total P (mg/l)	Nitrate – Nitrite N (mg/l)	TKN (mg/l)	Ammonia – N (mg/l)
EEC	13.5	30	1.3	1.9	3.8	1.7

Since Deb-El is a new IWTP that did not exist in 1992, effluent limits for this facility are the same as those established in the August 2010 NR-WQM EEC model run.

On December 8, 2011 the Commission approved Docket No. D-2011-008 CP-1 for the 0.135 mgd Lost Lake Resort WWTP, whose 10-year build out was predicted to be 0.22 mgd. The NR-WQM was updated and ran in October 2011 to establish EECs for the 10-year projected flow of 0.22 mgd. Grandfathered loads continued to be calculated as previously done on an annual basis and therefore the inputs from Table B-4 did not change. The new EECs established for the Lost Lake WWTP are found in Table B-6 below.

Table B-6: October 2011 NR-WQM EEC

	BOD5 (mg/l)	TSS (mg/l)	Total P (mg/l)	Nitrate – Nitrite N (mg/l)	TKN (mg/l)	Ammonia – N (mg/l)
EEC	13.51	30	1.33	1.91	3.8	1.68

With the addition of Deb-El and Lost Lake (listed in Table B-7) the total number of facilities in the NR-WQM as of October 2011 was twenty-nine (29).

Table B-7

FACILITY	Model Design Discharge (MGD)	SPDES Permit No.	DRBC Docket No.
Deb-El	0.05	NY0272779	D-2009-036-2
Lost Lake Resort	0.22	---	D-2011-008 CP-1

C. FINDINGS

The purpose of this docket is to approve the construction and operation of the new 0.131 mgd RALHAL WWTP.

Commission staff updated the October 2011 NR-WQM to reflect data collected since the Lost Lake WWTP approval on December 8, 2011. This data included actual effluent from existing facilities at the time of SPW designation, which resulted in the grandfathered load assumptions being updated. Commission staff recalibrated the model to function on a May-September basis since 1992-EWQ was originally calculated using data from these months. This included the modification of grandfathered loads for facilities that did not receive said loads in a prior docket. Commission staff then analyzed each facility as it is permitted to discharge today and calculated the equal effluent concentrations (EEC) required for the non-grandfathered load

portion of each facility that has not undergone substantial alterations or additions in the past three years to establish effluent limits for each SPW parameter for the RALHAL WWTP (see Table C-1). This new iteration of the model is the February 2013 NR-WQM and contains twenty-nine (29) facilities.

Table C-1: February 2013 NR-WQM EEC

	BOD5 (mg/l)	**TSS (mg/l)**	**Total P (mg/l)**	**Nitrate – Nitrite N (mg/l)**	**TKN (mg/l)**	**Ammonia – N (mg/l)**
EEC	13.51	30	1.75	1.5	3.7	1.5

Since the RALHAL WWTP is new and did not exist in 1992, effluent limits for this facility are the same as those established in the EEC model run of the February 2013 NR-WQM. The RALHAL WWTP effluent loading limits are defined in Effluent Table A-1 of this docket. The loadings found in Effluent Table A-1 are based upon the concentrations established in Table C-1 of this docket. Since the model does not predict a TSS exceedance at the BCP, the secondary effluent standard of the Commission was included in EFFLUENT TABLE A-1 instead of a load limit. As the WWTP reaches its expected flow it will need to produce effluent concentrations equivalent to or less than those indicated in Table C-1 of this docket in order for the docket holder to meet its corresponding load. Should the NYSDEC require more stringent effluent concentrations for the facility, it is the more stringent requirement that the docket holder will have to meet.

The effluent limits found in Effluent Table A-1 of this docket are required of the project WWTP to prevent a measurable change to EWQ after all 28 (29 after including the RALHAL WWTP) wastewater treatment facilities with active SPDES permit/DRBC dockets are taken into account.

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* requires that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the applicant's service area which is also located within the drainage area of SPW. The service area of the docket holder is located within the drainage area to the SPW. Since this project does entail construction of facilities (i.e., there are no new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. Accordingly, DECISION Conditions II.r. and II.s. have been included in this docket.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the City of Easton on the Delaware River, approximately 89.5 miles downstream.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-2012-019 CP-1 below, the project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NYSDEC in its SPDES Permit and Plan Approval, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's. Construction shall not commence prior to the docket holder receiving both SPDES Permit and Plan Approval from the NYSDEC.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Table in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F. (Non-tidal, Non-trout Waters)

i. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

j. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

k. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made.

l. This docket approval shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

m. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

n. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

o. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

p. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

q. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

r. Prior to operation of the proposed RALHAL WWTP, the docket holder shall submit and have approved by the Executive Director of the DRBC, a NPSPCP in accordance with Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR*.

s. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

t. The docket holder shall provide for emergency power and install remote alarm controls during construction of the proposed RALHAL WWTP. The docket holder shall submit a letter to the Commission upon completion of construction verifying these have been put in place and are operational.

u. The docket holder shall submit an EMP to the Executive Director for review and approval at least six (6) months prior to operation of the proposed RALHAL WWTP.

v. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

w. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

x. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

y. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

z. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

aa. The docket holder shall submit Final Plan and Specs of the 0.131 mgd RALHAL WWTP to the Executive Director for review and approval prior to any construction activities starting at the project site.

bb. The docket holder shall submit an application to the Commission for review and approval of the water withdrawal system within sixty (60) days of approval of this docket (by May 6, 2013).

BY THE COMMISSION

DATE APPROVED:

EXPIRATION DATE: March 6, 2018